

## Cover sheet for response to an Ofcom consultation

### BASIC DETAILS

**Consultation title:** *Regulation of VoIP Services*

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**Representing (self or organisation/s):** *RNID (The Royal National Institute for Deaf People, Registered Charity 207720)*

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Name *Guido Gybels, Dir. Of New Technologies* Signed (if hard copy)

# ***RNID (The Royal National Institute for Deaf People) response to Ofcom's consultation: "Regulation of VoIP Services: statement and further consultation", dated 22 February 2006.***

*Guido Gybels, RNID Director of New Technologies*

## ***Summary Statement***

- *The proposed framework does not sufficiently take into account the specific needs of, and challenges faced by, deaf and hard of hearing people;*
- *Access to emergency services should be provided as part of all services and in a way that is accessible and usable by all users, including textphone users;*
- *Provisions for consumer information do not fully accommodate the profile of deaf and hard of hearing people;*

## ***Introduction***

1. RNID welcomes the opportunity to submit comments to Ofcom regarding this consultation on regulation of VoIP services. We are the largest charity representing the 9 million deaf and hard of hearing people in the UK. These comments deal only with the specific issues of particular relevance to deaf, hard of hearing, deafblind and speech-impaired people. The phrase "deaf and hard of hearing people" in this response is used to cover all people affected by hearing loss or permanent tinnitus.
2. Our vision is of a fully inclusive society in which access to telecommunications as a vital tool for participation in employment, education, health, interaction with government and social life and entertainment is available to everyone, regardless of each individual's abilities and preferences.

## ***General Comments***

3. RNID welcomes the efforts of the industry to create a code of practice covering consumer information and setting out minimal requirements as well as highlighting best practice. However, RNID challenges the statement that this group has "worked closely with consumer groups" in the development of this code. Whilst we recognise that some consultation has taken place, it has not been systematic. In fact, RNID believes that user and consumer groups should lead on the definition of what constitutes user requirements.
4. In addition, ITSPA has created its own separate code, which is different from the proposed Ofcom code. RNID is disappointed that it has not been possible to create a single code of practice, driven by real user needs and with support of all stakeholders. Having two codes will be very confusing for the average consumer, who will not appreciate the subtleties of differences between the codes.
5. Consumers of telecommunication services are used to a certain scope and quality of service and have expectations about availability, functionality, cost and interoperability. The evidence has demonstrated that unless measures are taken to protect vulnerable consumers, unregulated and unconstrained markets result in a very unequal playing field, in particular for people with disabilities. RNID is concerned that Ofcom's proposed framework does not consider those vulnerable user groups in sufficient measure and that many parts of the proposal were written

without consideration for the specific needs and barriers of these, often already seriously disenfranchised, citizens.

***Given recent developments, do you agree that Ofcom's focus should be on the following three objectives in developing our policy for VoIP services, namely (in so far as is possible) (i) enabling innovation in a technological neutral way, (ii) ensuring consumers are well informed, and (iii) ensuring maximum availability of 999 services? (Q1)***

6. While RNID certainly agrees with the principle that regulation should not stifle innovation and the creation of new services, we are very concerned that Ofcom's current set of objectives does not incorporate a longer-term vision to ensure that future mainstream services are developed fully inclusively from the start.
7. In our response to the 2004 consultation on "New Voice Services", RNID urged Ofcom to look at the evidence from past experiences. In particular, we referred to the lessons from the GSM revolution, demonstrating what happens when emerging technologies are not built with inclusivity in mind: when they mature to mainstream technologies, large sections of society can be excluded from using them and this has a serious impact on their economic and social fulfilment and participation in society. RNID believes that Ofcom's statement of strategic objectives above does not reflect our concerns or the clear evidence from past experiences.
8. While RNID strongly supports the notion of well-informed consumers, information alone is clearly no substitute for availability of services. In that sense, Ofcom's objective should be first and foremost to ensure that both existing and new services do not discriminate against users based on their profile of abilities and preferences.
9. VoIP services based on open standards like SIP and RTP already have the basic components to support deaf and hard of hearing people's needs, as well as suitable reference implementations to demonstrate their feasibility. Ofcom should use its formal powers as well as its informal influence to make sure that deployment of services based on these standards is encouraged and carried out in such a way as to fully meet the needs of deaf and hard of hearing people.
10. In particular, there is a great opportunity to solve for once and for all the problem of text telephony. Using SIP and T.140 over IP as described in RFC 4103, the use of interactive, character-by-character text as deaf and hard of hearing people's equivalent for voice based telephony, can become a full and integral part of VoIP services. This would over time finally solve the problems of legacy text telephony. As no additional components or standards are required within the VoIP network, this can be done at virtually no cost. Yet, despite this excellent opportunity to use regulation to achieve a massive long-term benefit for both the industry and the consumer, the current proposals by Ofcom make no reference to this.
11. RNID believes that the wording "maximum availability of 999 services" is ambiguous. This could be understood to mean having some level of access to 999 services, possibly only in a subset of modalities (voice), or it could mean that where access is provided, service levels and provisions for quality of service should be as high as possible (but at the same time allowing vast numbers of services not to offer access to 999 services at all).
12. RNID's view remains the same: having access to emergency services over a telephone network is a very basic facility that offers potentially life-saving protection to users. As such, we feel that service providers should be strongly encouraged to offer such a facility.
13. Nevertheless, we accept that because of the differences between IP networks and more traditional circuit-switched networks, there might be practical differences in respect of

availability, reliability and robustness of such services. However, neither of those constraints should be seen as an excuse for not offering emergency services at all.

***Do you agree with the proposed application of the code?(Q7)***

14. In its description of the applicability of the code, Ofcom creates potential future confusion as to what (parts of) VoIP services are covered by the proposed framework. While the technical term for the services concerned is VoIP, and this term includes the idiom “Voice”, in reality the traffic over such service platforms is not merely voice, but can include other forms of data.
15. In fact, it can be argued that such infrastructure offers generic mechanisms for addressing, service discovery and transport of data. The data in question is simply a binary stream. The digits in this stream can represent voice as much as any other form of data.
16. This is not any different from more traditional networks, where the voice infrastructure is commonly used to transport other data masquerading as voice (fax, modem, text telephony).
17. As such, references to “voice services” in the proposed framework are somewhat ambiguous and could easily lead to debate over what exactly is covered by the framework. We believe that Ofcom should consistently refer to “VoIP services”. In terms of applicability, the framework must refer to VoIP, not just to the subset of “voice services” in their stricter definition (in the same way as PSTN regulation covers PSTN services as a whole, not just the voice traffic in its strictest sense). VoIP services are a platform for communication. They should not discriminate against deaf and hard of hearing people in terms of how the regulation applies to and protects its customers.

***Do you agree with the proposed approach for informing consumers that services may cease to function if the broadband connection fails or there is a power cut or failure? (Q8)***

18. RNID agrees that at present both power failure and broadband connectivity are the most obvious reasons for service disruption. When informing consumers, this should be done in a fully equivalent way for all users, regardless of their abilities and preferences. In particular, RNID is concerned about the sales process and how well deaf and hard of hearing people will be informed about possible causes for service disruption at that time.

***Do you agree with the proposed approach for informing costumers where access to emergency calls is not available? (Q9)***

19. RNID does not agree with the principle that VoIP services are allowed not to offer any access to 999 emergency calls at all. We believe that while technical limitations of IP networks mean that in terms of robustness and prioritisation there might be differences between IP networks and more traditional, circuit-switched environments, there is no justification for not offering any form of emergency access at all and no service provider should be permitted to do so.
20. RNID does not believe that there is any evidence to support the notion that deaf and hard of hearing people will be informed suitably about the limitations of access to emergency services during the sales process and at the point of signature. In particular, we challenge the assumption that sales staff or the contracts will be able to explain to deaf and hard of hearing people that the use of legacy textphones over VoIP infrastructure for the purpose of making emergency calls will not work in the overall majority of cases.
21. At the point of use, obviously any spoken announcements about access to emergency numbers would not be heard by many deaf and hard of hearing people, who would therefore have no

access to the message that “calls to emergency services cannot be made from this handset” and that they need to find an alternative phone.

22. Furthermore, even with suitable information provided during the sales process and at the point of signature, we do not believe that in a real emergency situation, such as a fire in the home for example, people will have the clarity of mind to realise the limitations of what looks otherwise like a normal phone to them. In reality, they will try to make an emergency call from whatever phone is nearest to them. In allowing VoIP providers not to support emergency calls, Ofcom is taking an unacceptable risk. It is technically perfectly possible to create access to emergency services from VoIP platforms.
23. RNID does not believe that even in cases where consumers initially acquire VoIP services as a secondary service, they will be able to make a rational distinction between what service to use in case of an emergency. In addition, as Ofcom points out themselves in section 8.2 for example, it would be all too easy for a consumer to, after a while, discontinue the primary service without giving much thought to the consequences of such action in terms of access to emergency services.

***Do you agree with the proposed approach for informing consumers that access to emergency calls may cease to function if the data network fails or there is a power cut/failure? (Q10)***

***Do you agree with the proposed approach to informing consumers where services do not provide emergency location information? (Q13)***

***Do you agree with the proposed approach to informing customers where services do not provide number portability? (Q14)***

24. There are clear challenges in making the sale process and any documentation fully accessible to deaf and hard of hearing people. Ofcom should make provisions in the framework to ensure that users with specific sets of abilities and preferences are informed in suitable ways. The principle of proper customer information requires that information to be available in a suitably accessible format.

***Should the code be extended to point of signature acknowledgement in respect of reliability of access to emergency calls? (Q11)***

25. Yes. RNID does not believe it can be assumed that customers are fully aware of these restrictions before they sign up. There is no way to guarantee that the sales process will highlight this properly and in full and customers might not appreciate the exact meaning of statements to this effect buried in the terms and conditions. User guides are not usually read in full prior to signing a contract.

***Do you agree with the proposed approach to location information providers where the service does provide access to emergency calls? In particular, do you believe that subscribers should be required to register their main location prior to activation of the service? (Q12)***

26. RNID believes that at the very least the prime location of the service user should be registered.
27. We also believe that, at the very minimum, users should have a simple and easy way to update their current location while using the service and that suitable prompting (in a way accessible to

all users, regardless of abilities and preferences) should be considered as part of the design of such services.

***Do you agree with the proposed approach to informing consumers about the types of facilities that might not be available, but which they have come to expect from a telephone services? (Q15)***

28. Firstly, RNID strongly disagrees with the principle that VoIP services should be exempt in any way from meeting the provisions of General Condition 15. There is no technical or economical reason for that and Ofcom has not presented evidence indicating that such a requirement would stifle innovation or be otherwise prohibitive.
29. As we have argued in past responses to various consultations as well as elsewhere in this document, Ofcom is ignoring the factual evidence from past experience about the consequences of allowing emerging services to ignore accessibility and usability requirements as well as universal service obligations. In doing so, services can be created that are not designed to be inclusive and thereby discriminate against significant proportions of the disabled and older population. Once these services grow beyond their initial niche base, it becomes technically and economically challenging to retrofit such features. Mistakes from the past cannot be undone, but Ofcom has, as part of its task to protect citizens and consumers, a duty to ensure that the same does not happen in the future.

***Do you agree with Ofcom's view that all aspects of the code of practice should be mandatory? (Q16)***

30. Yes, RNID strongly supports the notion that all aspects of the code must be mandatory.

***Do you consider that the overall programme of activities is appropriate? (Q17)***

***In light of Ofcom's consumer policy review, are there other consumer education measures that Ofcom should consider? (Q18)***

***Do you have comments on this proposed enforcement approach? (Q19)***

31. RNID is concerned that in terms of monitoring, review, education and enforcement, Ofcom's approach is biased towards general consumer markets and does not properly cater for the specific needs and barriers faced by deaf and hard of hearing people in particular, as well as disabled and older people in general.
32. We do not believe that consumer's rights to access and their protection in purchasing, using and complaining about services can in any way be curtailed because of the user's profile of abilities and preferences. In its current form, Ofcom's proposals do not sufficiently highlight the specific problems that deaf and hard of hearing people might face, nor do the proposals reflect an intention to cover this user group suitably as part of monitoring, review, education and enforcement.

***Are there other areas of research activity that Ofcom should consider to ensure it understands market developments? (Q20)***

33. VoIP technology has great potential to overcome specific barriers in legacy text telephony by allowing mainstream VoIP networks to offer fully equivalent text based access to telephony by

deaf and hard of hearing people. Ofcom should investigate this properly and should use the results to inform policy.

34. Current research in markets is heavily biased to what can be described as mainstream users. The chosen research approach tends to blur or average out specific barriers faced by specific user groups, including deaf and hard of hearing people. This results in discrimination with regards to the needs of these users and a lack of understanding of the impact of the regulatory framework on such users. RNID encourages Ofcom to work with the various user organisations to address this problem.

### ***Do you agree with Ofcom's approach to naked DSL? (Q22)***

35. RNID does not agree with Ofcom's assertion that in absence of naked DSL services, the presence of a PSTN line in the home at least guarantees a reliable connection to emergency services. Access to emergency services relies as much on having a terminal connected as on having a suitable network connection available. In actual fact, where VoIP services require users to plug their existing analogue phones into a converter box that goes into the DSL router, users will be completely oblivious about the fact that, should the VoIP network go down, they need to unplug the phone, find the analogue socket and plug it directly in there. When people are faced with a real emergency, like for example a fire or a serious medical crisis, this is an even more far-fetched supposition. Other services might use native IP terminals, which would be impossible to connect to a PSTN line.

*RNID - The Royal National Institute for Deaf People  
May 2006.*

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RNID is the largest charity representing the 9 million deaf and hard of hearing people in the UK. As a membership charity, we aim to achieve a radically better quality of life for deaf and hard of hearing people. We do this in the following ways:

- ✓ Campaigning and lobbying to change laws and government policies.
- ✓ Providing information and raising awareness of deafness, hearing loss and tinnitus.
- ✓ Training courses and consultancy on deafness and disability.
- ✓ Communication services including sign language interpreters.
- ✓ Training of interpreters, lipspeakers and speech-to-text operators.
- ✓ Seeking lasting change in education for deaf children and young people.
- ✓ Employment programmes to help deaf people into work.
- ✓ Care services for deaf and hard of hearing people with additional needs.
- ✓ Typetalk, the national telephone relay service for deaf and hard of hearing people.
- ✓ Equipment and products for deaf and hard of hearing people.
- ✓ Social, medical and technical research.